

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'  
MOTION TO EXCLUDE EXPERT TESTIMONY OF THOMAS MCGUIRE**

**EXHIBIT D**

DANIEL P. KESSLER DEPOSITION TRANSCRIPT (5/29/19) AT 51:24-52:4

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
PRESCRIPTION OPIATE )  
5 LITIGATION ) Case No.  
1:17-MD-2804  
6 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
ALL CASES ) Polster  
)

7  
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9  
10 Wednesday, May 29, 2019  
11

12 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW  
13  
14  
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16 Videotaped Deposition of DANIEL P.  
KESSLER, JD, Ph.D., held at Jones Day,  
17 1755 Embarcadero Road, Palo Alto, California,  
commencing at 9:02 a.m., on the above date,  
18 before Debra A. Dibble, Registered Diplomate  
Reporter, Certified Realtime Reporter,  
19 Certified Realtime Captioner, and Notary  
Public.  
20  
21

22  
23 GOLKOW LITIGATION SERVICES  
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24 deps@golkow.com

1 him professionally. Probably 20 years. In  
2 the ballpark of 20 years.

3 Q. And are you aware of whether or  
4 not he is a research associate at the NBER?

5 A. I believe he is, but I am not  
6 certain. Yeah, I'm not certain.

7 Q. Okay. By the way, with respect  
8 to all four of these professors that we just  
9 discussed, Professors Gruber, Cutler,  
10 McGuire, and Liebman, do you know any of them  
11 outside of your professional capacity?

12 A. No.

13 Q. In other words, would you  
14 consider any of them your colleagues?

15 MR. GEISE: Object to the form.

16 THE WITNESS: Yes. I mean, I'd  
17 consider them all my colleagues.

18 MR. KO: Okay. Great.

19 THE WITNESS: In a professional  
20 context.

21 Q. (BY MR. KO) Do you respect all  
22 four of them?

23 MR. GEISE: Objection, vague.

24 THE WITNESS: I think they're

1 all very smart academic researchers.

2 I certainly have read many of  
3 the papers that they've written, and  
4 learned from them.

5 Q. (BY MR. KO) And do you know  
6 Professor Meredith Rosenthal?

7 A. Not really.

8 Q. Okay. You don't have a  
9 professional relationship with her?

10 A. No, I would not say I know  
11 Professor Rosenthal professionally, no.

12 Q. So is it fair to say that you  
13 know Professors Cutler, Gruber, McGuire, and  
14 Liebman more than you know Professor  
15 Rosenthal?

16 A. Yes. That's a correct  
17 assessment.

18 Q. Okay. Now going back to your  
19 CV on the awards and fellowships that you  
20 list, are there -- I just want to make sure  
21 the record is clear, are there any other  
22 awards or fellowships that you can think of  
23 that you have had or currently have that are  
24 not listed here?